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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,171	06/30/2006	Gerard Marot	Serie 6482	2136
40582	7590	11/13/2008		
AIR LIQUIDE Intellectual Property 2700 POST OAK BOULEVARD, SUITE 1800 HOUSTON, TX 77056			EXAMINER PRICE, CRAIG JAMES	
			ART UNIT 3753	PAPER NUMBER
			MAIL DATE 11/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,171

Applicant(s)

MAROT ET AL.

Examiner

Craig Price

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 16-24, 26 and 27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14, 16-24, 26 and 27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 July 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Applicant is notified that the response of 7/18/2008 was not been submitted in accordance with 37 CFR 1.121. Claim 26 was amended without properly underlining the added claim limitations. For the purpose of this action only, the amended claims will be considered as being filed properly. Further amendments submitted in this manner will result in said amendment being deemed Non-Compliant.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "6" and "5" have both been used to designate the central tubular element, and also the annular part. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Applicant's amendment overcomes the previous 112 rejections.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-23 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 16-23 depend from claim 15 which is cancelled thereby rendering the dependent claims indefinite. Claims 18 and 19 recite a first and second pivoting flap, which are unclear as it would appear that these claims are intended to depend from claim 14 which recites an isolation shutter, therefore the first and second pivoting flaps would be additional components in the assemblies.

Claim 27 recites the limitations "a first pivoting flap", and "a second pivoting flap", which are unclear as if the two flaps are additional parts in the assemblies or the same part as the isolation shutters. Claim 27, line 8 recites the limitation "the sliding seal". There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14, 16,17,19,21-24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karcher et al. (3,842,614) in view of Challender et al. (5,492,147). Claims 16-19, 21-23 and 27 are rejected as best understood.

Regarding claims 14, 26 and 27, Karcher et al. disclose a system for connecting the ends of cryogenic fluid conduits, comprising a female part (16) intended to receive a portion of a male part (10), the male and female parts each comprising a shutter (64) for closing the fluid conduits, which is normally closed and can be moved into the open position when the system is in the connected configuration, wherein the female part comprises a tubular guide (46) with which the male part cooperates by sliding in a leaktight manner with respect to the cryogenic fluid.

Karcher et al. is silent to having male and female parts each additionally including an isolation shutter / "first and second pivoting flap" which is normally closed and can be moved into the open position during the introduction of the male part into the female part.

Challender et al. disclose a coupling which teaches the use of male and female parts which each additionally include an isolation shutter (46,94) / "first and second pivoting flap" which is normally closed and can be moved into the open position during the introduction of the male part into the female part.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ isolation shutters/flaps as taught by Challender et al. onto the halves of Karcher et al. to have the tubular guide of the female part comprises a second pivoting flap capable of cooperating with the end of the central mandrel of the

male part during the introduction of this male part into the female part, in order to preclude contamination from entering the coupling halves.

Regarding claim 16, Karcher et al. is silent to having the male member comprising the sliding seal. Karcher et al. disclose a sliding seal (80, Figure 5) on the female half. It would have been obvious to one of ordinary skill in the art to have the seal placed on the male part and thereby cooperating on the tubular guide of the female part, since it has been held that a mere reversal of essential working parts of a device involves one of ordinary skill in the art.

Regarding claim 17, Karcher et al. disclose that the male part has a central mandrel (66) comprising the closure shutter of the fluid supply conduit and engaging by sliding in the tubular guide of the female part.

Regarding claim 21, Karcher et al. disclose that the female part comprises, in the back of the tubular guide, a central tubular element (84) comprising the closure shutter of the fluid-receiving conduit and forming an axial stop (the flat faced bore of 84 between reference indicators 64 and 64 as shown in Figure 2) for the male part.

Regarding claim 22, Karcher et al. disclose a stem (the conical part of 64).

Regarding claim 23, Karcher et al. disclose that the end of the tubular guide of the female part is able, at rest, to be closed off by a removable cap (certainly a dust cap could be used for this limitation).

Regarding claim 24, Karcher et al. discloses that the male part (10) is configured in the form of a nozzle which can be actuated manually (the male part is in the shape of

a round part which is configured in the form of a nozzle and the device can be actuated by hand by pushing on the tip 64).

Allowable Subject Matter

Claims 18 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 14,16-24,26 and 27 have been considered but are moot in view of the new ground(s) of rejection.

The objection to the drawings remain as reference characters "6" and "5" have both been used to designate the central tubular element and also the annular part.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571)272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP
/C. P./
Examiner, Art Unit 3753

6 November 2008

/John Rivell/
Primary Examiner, Art Unit 3753